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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/621,070      | 07/16/2003  | Pavel Sebor          | 90043               | 1258             |

7590 05/18/2005

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Orlando, FL 32802-3791

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| EXAMINER |
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CHIN, RANDALL E

|          |              |
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| ART UNIT | PAPER NUMBER |
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1744

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/621,070

Applicant(s)

SEBOR, PAVEL

Examiner

Randall Chin

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 and 41-54 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 1-37 is/are allowed.  
6) ☒ Claim(s) 38, 41-43, 45, 48-50 and 52-54 is/are rejected.  
7) ☒ Claim(s) 44, 46, 47 and 51 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 38, 48 and 54 are objected to because of the following informalities:  
Claim 38, line 6, delete "and". Claim 48, line 2, "centrally position" should read –centrally positioned--. Claim 54, "the portion in spaced relation..." lacks proper antecedent basis.  
Claim 54, line 3, delete the term "portion" for consistency.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 38, 41-43, 45, 48-50 and 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Supra '614.

The patent to Supra '614 teaches with respect to claims 38 and 41 an apparatus for cleaning surfaces submerged in a fluid, the apparatus comprising, a lower housing end 44 (Fig. 2) having a flow passage extending longitudinally from an inlet 47 to an outlet (not explicitly labeled but shown in Figs. 3 and 5) for a flow of fluid and debris therethrough, and a flexible plate 12 carried proximate the inlet for engaging the surface to be cleaned, the flexible plate having an upper surface, a lower surface for contacting the surface to be cleaned, and a peripheral portion including a plurality of convex formations or "tongues" 18 (Fig. 1) extending outwardly thereabout, a rib or reinforcing

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element 26 formed with each of the plurality of tongues "for upwardly lifting an outer most periphery of the plate from the surface to be cleaned", wherein the reinforcing element is confined within the peripheral portion of the flexible plate so as not to extend outwardly beyond the outer most periphery. Note, Supra's teaching of both sides of the flexible plate 12 having the ribs or reinforcing elements (col. 1, lines 63-65). As for the quoted recitation above, such phrase is deemed functional in nature and Supra's flexible plate could also upwardly lift an outermost periphery of the plate from the surface under appropriate conditions. Although Supra does not actually show a valve operable within the flow passage for interrupting fluid flow therethrough during an oscillation thereof, such arrangement is typical and common in similarly structured pool cleaners with sealing flanges and it is obvious to provide for a valve body therewithin to migrate the pool cleaner across the surface to be cleaned.

As for claim 42, viewing Fig. 1 of Supra, one can say that the reinforcing element 26 is a "flange" that extends "along" a peripheral edge of the tongue 18, albeit for a short distance.

As for claim 43, the plate 12 further comprises a plurality of holes or "slots" 42 that can be said to extend outwardly from a center thereof.

As for claim 45, each slot extends through the peripheral portion.

As for claim 48, viewing Fig. 1, each of the plurality of "slots" 42 extends along a first imaginary line centrally positioned between a second imaginary line passing centrally through each of the plurality of tongues 18.

As for claim 49, the lower surface comprises a plurality of gaps or grooves 40 (Figs. 1 and 2) therein extending outwardly from a center thereof (col. 2, lines 55-58 and col. 3, lines 22-24).

As for claim 50, at least a portion of the plurality of grooves 40 extends only partially between the center and the peripheral portion of the plate.

As for claim 52, as stated previously, the plate comprises a plurality of holes 42 (Fig. 1) extending from the upper surface to the lower surface "for modifying a suction provided by the flexible plate during operation of the apparatus with the suction source" (which is purely functional in form). Supra's device is deemed capable of this also under appropriate conditions.

As for claim 53, the plurality of tongues 18 extend radially outward from a center of the plate.

Note the claim 54 objection above. In any case, as stated previously, the lower surface portion includes a contoured lower surface formed by pads 38 (Fig. 1) extending from the lower surface contacting the surface to be cleaned.

#### ***Allowable Subject Matter***

4. Claims 1-37 are allowed.

Claims 44, 46, 47 and 51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

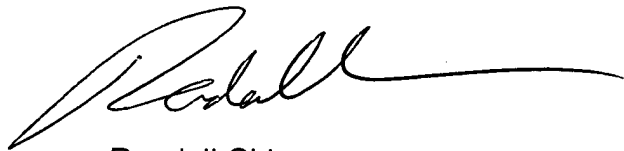
If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, John Kim, can be reached at (571) 272-1142. The number for Technology Center 1700 is (571) 272-1700.

The central fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Chin



Randall Chin  
Primary Examiner  
Art Unit 1744



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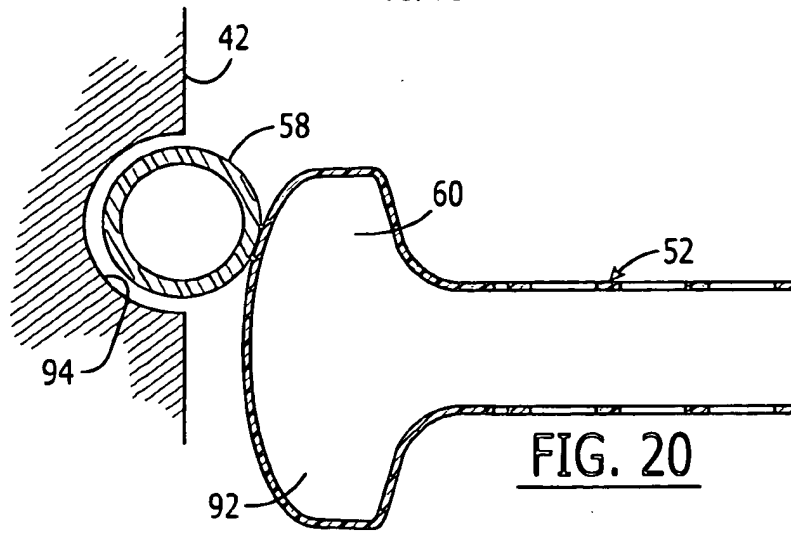


FIG. 20

*as per*

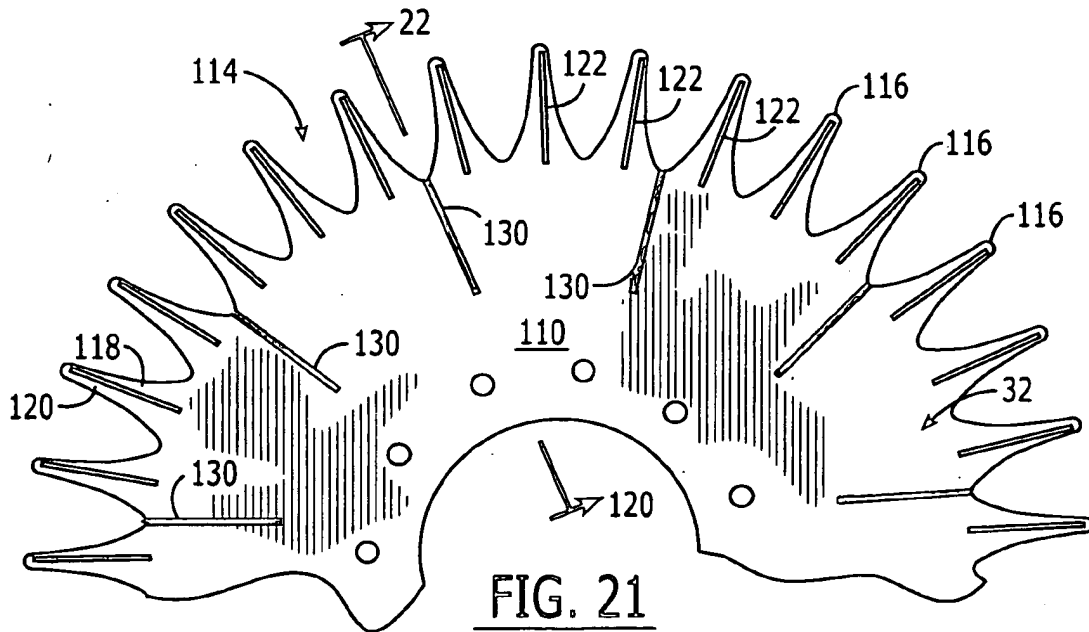


FIG. 21

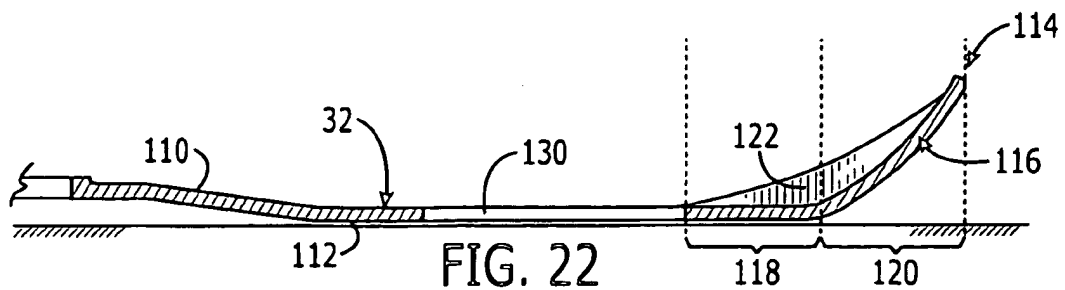


FIG. 22

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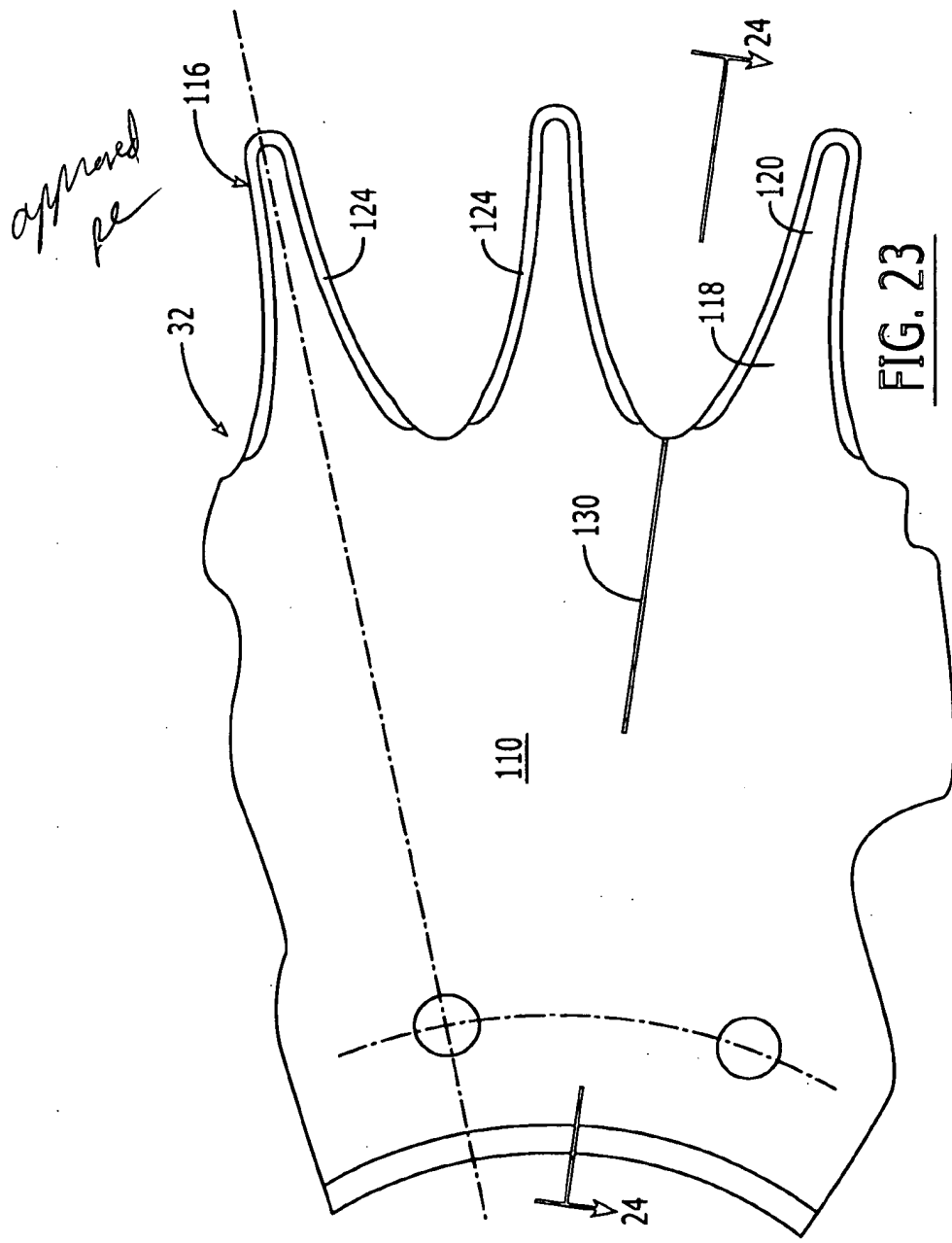


FIG. 23

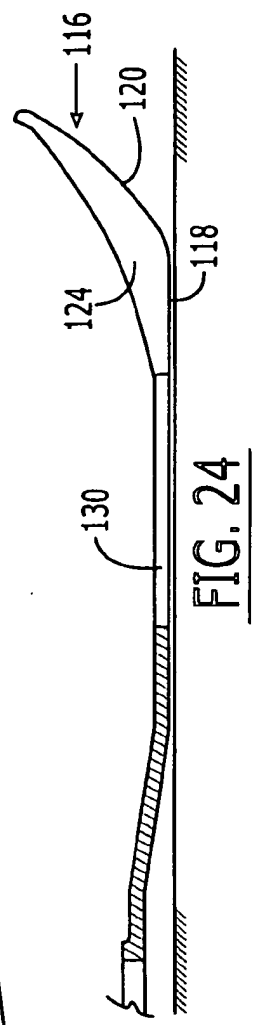


FIG. 24



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